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13 Attorneys for Defendants, Counterclaimants, and
14 Third Party Plaintiffs PCJV USA, LLC, PCI
15 TRADING LLC, POTATO CORNER, LA
16 GROUP, LLC, GK CAPITAL GROUP, LLC,
17 NKM CAPITAL GROUP, LLC and GUY
18 KOREN, and Defendants J & K AMERICANA,
19 LLC, J&K LAKEWOOD, LLC, J&K
20 OAKRIDGE, LLC, J&K VALLEY FAIR, LLC, J
21 & K ONTARIO, LLC, J&K PC TRUCKS, LLC,
22 HLK MILPITAS, LLC, and GK CERRITOS, LLC

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14 **UNITED STATES DISTRICT COURT**
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16 **CENTRAL DISTRICT OF CALIFORNIA**

17 SHAKEY'S PIZZA ASIA VENTURES,
18 INC, a Philippines corporation,

19 Plaintiff,

20 vs.

21 PCJV USA, LLC, a Delaware limited
22 liability company; PCI TRADING , LLC, a
23 Delaware limited liability company; GUY
24 KOREN, an individual; POTATO CORNER
25 LA GROUP, LLC, a California limited
26 liability company; NKM CAPITAL GROUP,
27 LLC, a California limited liability company;
28 J & K AMERICANA, LLC, a California
limited liability company; J&K
LAKEWOOD, LLC, a California limited
liability company; J&K VALLEY FAIR,
LLC, a California limited liability company;
J & K ONTARIO, LLC, a California limited
liability company; HLK MILPITAS, LLC, a
California, limited liability company; GK
CERRITOS, LLC, a California, limited
liability company; J&K PC TRUCKS, LLC,
a California limited liability company; and,
GK CAPITAL GROUP, LLC, a California

Case No. 2:24-CV-04546-SB(AGRx)

Hon. Stanley Blumenfeld, Jr.

NOTICE OF MOTION IN
SUPPORT OF DEFENDANT PCJV
USA, LLC'S MOTION FOR:

1. SANCTIONS AGAINST
PLAINTIFF SHAKEY'S
PIZZA ASIA VENTURES,
INC. UNDER FRCP RULE
37(B)(2)(A); AND
2. PAYMENT OF EXPENSES
AGAINST PLAINTIFF AND
ITS COUNSEL OF RECORD
UNDER FRCP RULE
37(B)(2)(C)

FOR FAILURE TO COMPLY
WITH THE MAGISTRATE
JUDGE'S COURT ORDER
DATED MARCH 12, 2025 (DKT.
NO. 128)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26	<p>limited liability company and DOES 1 through 100, inclusive,</p> <p style="text-align: center;">Defendants.</p> <hr/> <p>PCJV USA, LLC, a Delaware limited liability company; PCI TRADING LLC, a Delaware limited liability company; POTATO CORNER LA GROUP LLC, a California limited liability company; GK CAPITAL GROUP, LLC, a California limited liability company; NKM CAPITAL GROUP LLC, a California limited liability company; and GUY KOREN, an individual,</p> <p style="text-align: center;">Counter-Claimants,</p> <p>v.</p> <p>SHAKEY'S PIZZA ASIA VENTURES, INC, a Philippines corporation,</p> <p style="text-align: center;">Counter Defendant.</p> <hr/> <p>PCJV USA, LLC, a Delaware limited liability company; PCI TRADING LLC, a Delaware limited liability company; POTATO CORNER LA GROUP LLC, a California limited liability company; GK CAPITAL GROUP, LLC, a California limited liability company; NKM CAPITAL GROUP LLC, a California limited liability company; and GUY KOREN, an individual,</p> <p style="text-align: center;">Third Party Plaintiffs,</p> <p>v.</p> <p>PC INTERNATIONAL PTE LTD., a Singapore business entity; SPAVI INTERNATIONAL USA, INC., a California corporation; CINCO CORPORATION, a Philippines corporation; and ROES 1 through 10, inclusive,</p> <p style="text-align: center;">Third Party Defendants.</p>	<p>Date: May 22, 2025</p> <p>Time: 1:30 p.m.</p> <p>Location: Zoom Video Conference</p> <p>Complaint Filed: May 31, 2024</p> <p>Trial Date: August 4, 2025</p>
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1 **TO THE COURT AND ALL COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that pursuant to Dkt. No. 144, on May 22, 2025 at
3 1:30 p.m. via Zoom conference before the Hon. Magistrate Judge Alicia G.
4 Rosenberg in the above captioned Court, located at 255 E. Temple St., Los Angeles,
5 California 90012, Defendant PCJV USA, LLC (“Defendant” or “PCJV”) will and
6 hereby does move pursuant to Federal Rule of Civil Procedure 37(b) for: (a)
7 sanctions against Plaintiff Shakey Pizza Asia Ventures, Inc. (“Plaintiff” or
8 “SPAVI”) for failure to comply with the Magistrate Judge’s Order dated March 12,
9 2025 (Dkt. 128); and, for the same reason, (b) payment of Defendant’s expenses
10 against Plaintiff and its counsel of record. In the interest of justice and for good
11 cause, Defendant request an order granting following relief:

- 12 1. Prohibiting Plaintiff from supporting its claims for trademark
13 infringement with any documents responsive to RFP Nos. 1-27;
- 14 2. Dismissing with prejudice or striking from Plaintiff’s pleadings
15 Plaintiff’s claims for misappropriation of trade secrets;
- 16 3. Directing that the following matters embraced in the March 12, 2025
17 order and substance of the compelled discovery be established for
18 purposes of this action:
 - 19 a. That SPAVI did not acquire U.S. trademark rights in PCJV, whether
20 owned or licensed by PCJV, or co-owned by PCJV’s joint and
21 domestic joint venture partners;
 - 22 b. That SPAVI did not acquire any ownership or licensing rights of
23 PCJV or PCJV’s foreign or domestic joint venture partners;
 - 24 c. That any proffered evidence regarding SPAVI’s purchase agreement
25 with Cinco Corporation (“Cinco”) regarding the trademark
ownership or licensing rights and obligations of PCJV or PCJV’s
domestic joint venture partners under the written agreements signed

1 by PCJV or PCJV's domestic joint venture partners are immaterial
2 and inadmissible;

3 d. That SPAVI knowingly acquired U.S. registrations and U.S.
4 trademark rights, if any, covering the trademarks used by PCJV and
5 the Potato Corner USA franchise system subject to any and all prior
6 common law and contractual rights of PCJV or PCJV's domestic
7 joint venture partners;

8 e. That the consideration SPAVI paid for Cinco's international rights to
9 the Potato Corner trademark portfolio reflected the risk and expense
10 of litigation over whether PCJV and PCJV's domestic joint venture
11 partners had superior rights to use and/or control the use of the
12 Potato Corner trademarks in the United States for more than 20 years
13 pursuant to the terms of written agreements signed by PCJV or
14 PCJV's joint venture partners;

15 f. That SPAVI did not pay Cinco adequate consideration for U.S.
16 registrations and U.S. trademark rights, if any, covering the marks
17 used by PCJV and the Potato Corner USA franchise system;

18 g. That SPAVI had full knowledge of PCJV's franchise agreements
19 with third-party U.S. franchisees, including full knowledge that those
20 agreements were approved by both the foreign and domestic joint
21 venture partners of PCJV for PCJV's benefit;

22 h. That the contents and labeling of the flavored seasoning packages are
23 not trade secrets, including because they are publicly available and
24 purchased by third parties;

25 i. That SPAVI has not taken reasonable steps to maintain the alleged
26 secrecy of the contents or labeling of the flavored seasoning
27 packages;

- 1 j. That SPAVI does not own or possess the alleged trade secret recipes
- 2 or ingredient allocations of the flavored seasoning packages;
- 3 k. That SPAVI has not been damaged as a result of competition
- 4 mimicking the flavors of the flavored seasonings;
- 5 4. Awarding Defendant reasonable expenses, including attorneys' fees,
caused by Plaintiff's and its counsel's failure to comply with the March
7 12, 2025 Order (Dkt. 128) in an amount of no less than \$85,370 (*see*
8 support at Declaration of Todd M. Malynn ¶ 23); and
- 9 5. Finding Plaintiff in contempt for an even playing field, even if the above
10 sanctions are deemed sufficient to remedy the violations.

11 The Motion is based on this Notice of Motion and Motion, the concurrently
12 filed Memorandum of Points and Authorities and Declaration of Todd M. Malynn,
13 all the papers on file in this action, and upon any oral argument or additional matters
14 as may be presented to this Court at or before the hearing on this Motion.

15 DATED: April 14, 2025 **BLANK ROME LLP**

16 By: /s/ Arash Beral

17 Arash Beral
18 Todd Malynn

19 Attorneys for Defendants, Counterclaimants,
20 and Third Party Plaintiffs PCJV USA, LLC,
PCI TRADING LLC, POTATO CORNER,
LA GROUP, LLC, GK CAPITAL GROUP,
LLC, NKM CAPITAL GROUP, LLC and
GUY KOREN, and Defendants J & K
22 AMERICANA, LLC, J&K LAKEWOOD,
LLC, J&K OAKRIDGE, LLC, J&K
23 VALLEY FAIR, LLC, J & K ONTARIO,
LLC, J&K PC TRUCKS, LLC, HLK
24 MILPITAS, LLC, and GK CERRITOS, LLC

1 **CERTIFICATE OF SERVICE**
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3 The undersigned certifies that on April 14, 2025, the foregoing document
4 was electronically filed with the Clerk of the Court for the United States
5 District Court, Central District of California, using the Court's Electronic Case
6 Filing (ECF) system. I further certify that all participants in the case are
7 registered CM/ECF users and that service will be accomplished by the CM/ECF
8 system.

9 I certify under penalty of perjury that the foregoing is true and correct.
10 Executed on April 14, 2025.

11 By: /s/AJ Cruickshank
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